

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Nos. 16-3187, 16-3188, 17-1548

WM. C. PLOUFFE, JR.,
in his Individual Capacity and as a Private Attorney General

v.

F. JAVIER CEVALLOS, President of Kutztown University of Pennsylvania, As Employee, Officer, Supervisor, and/or Policymaker in his Individual and Official Capacities; ANNE ZAYAITZ, Dean of the College of Liberal Arts and Sciences of Kutztown University of Pennsylvania, as Employee, Officer, Supervisor, and/or Policymaker in her Individual and Official Capacities; SHARON PICUS, Executive Director of Human Resources of Kutztown University of Pennsylvania, as employee, Officer, Supervisor, and/or Policy Maker in her Individual and Official Capacities; ALEXANDER PISCIOTTA, Chair and Professor, Criminal Justice Department of Kutztown University as Employee, Officer, Supervisor, and/or Policy Maker in his Individual and Official Capacities; DEBORAH SEIGER, Professor, Criminal Justice Department of Kutztown University, in her Individual and Official Capacities; PIETRO TOGGIA, Professor, Criminal Justice Department of Kutztown University, in his Individual and Official Capacities; MARK RENZEMA, Professor, Criminal Justice Department of Kutztown University, in his Individual and Official Capacities; MAHFUZUL KHONDAKER, Professor, Criminal Justice Department of Kutztown University, in his Individual and Official Capacities; JONATHAN KREMSER, Professor, Criminal Justice Department of Kutztown University, in his Individual and Official Capacities; KEITH LOGAN, Professor, Criminal Justice Department of Kutztown University, in his Individual and Official Capacities; GARY CORDNER, Professor, Criminal Justice Department of Kutztown University, in his Individual and Official Capacities; ANN MARIA CORDNER, Professor, Criminal Justice Department of Kutztown University, in her Individual and Official Capacities; JOHN DOES, Employees, Officers, Supervisors, and/or Policy Makers of Kutztown University, and/or Pennsylvania State System of Higher Education (PASSHE), In their Official and Individual Capacities; ROBERT WATROUS, Dean of Student Services of Kutztown University, as Employee, Officer, Supervisor and/or Policy Maker in his Individual Capacity; JOHN CAVANAUGH, Chancellor of Pennsylvania State System of Higher Education (PASSHE), as Employee, Officer, Supervisor, and/or Policy Maker in his Individual Capacity; MICHAEL MOTTOLA, Human Resources/Labor Relations Officer of

Pennsylvania State System of Higher Education (PASSHE), as Employee, Officer, Supervisor, and/or Policy Maker in his Individual Capacity; KUTZTOWN UNIVERSITY, A Subordinate Entity and/or Agency of the Commonwealth of Pennsylvania

Wm. C. Plouffe, Jr.,
Appellant in 16-3187 & 17-1548

v.

MICHAEL GAMBONE, Professor, History Department of Kutztown University and member, representative, agent, officer, and/or employee of APSCUF in his individual capacity and his official capacity as an APSCUF member, agent, representative, officer and/or employee of APSCUF; STEVE HICKS, President of APSCUF in his individual capacity and his official capacity as an APSCUF member, agent, representative, supervisor, officer, employee, and/or policymaker of APSCUF; JULIE REESE, Director of APSCUF in her individual capacity and her official capacity as an APSCUF member, agent, representative, supervisor, officer, employee, and/or policymaker of APSCUF; ASSOCIATION OF PENNSYLVANIA STATE COLLEGE & UNIVERSITY FACULTIES; JOHN DOES, in their individual capacity and her official capacity as an APSCUF member, agent, representative, officer, supervisor, employee and/or policymaker of APSCUF; PIETRO TOGGIA, Professor, Criminal Justice Department of Kutztown University, in his individual capacity and in his individual and his official capacity as an APSCUF member, agent, representative, supervisor, officer, employee, and/or policymaker of APSCUF; MARK RENZEMA, Professor, Criminal Justice Department of Kutztown University, in his individual capacity and in his individual and his official capacity as an APSCUF member, agent, representative, supervisor, officer, employee, and/or policymaker of APSCUF; JONATHAN KREMSER, Professor, Criminal Justice Department of Kutztown University, in his individual capacity and in his individual and his official capacity as an APSCUF member, agent, representative, supervisor, officer, employee, and/or policymaker of APSCUF

Wm. C. Plouffe, Jr.,
Appellant in 16-3188 & 17-1548

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Nos. 5-10-cv-01502 & 5-11-cv-06390)
District Judge: Hon. Edward G. Smith

Submitted Under Third Circuit LAR 34.1(a)
June 10, 2019

Before: JORDAN, BIBAS, and NYGAARD, *Circuit Judges*.

JUDGMENT

This cause came to be considered on the record from the United States District Court for the Eastern District of Pennsylvania and was submitted pursuant to Third Circuit L.A.R. 34.1(a) on June 10, 2019. On consideration whereof,

It is now hereby ORDERED and ADJUDGED that the Orders of the District Court entered on June 28, 2016 and February 17, 2017 are hereby AFFIRMED. All of the above in accordance with the opinion of this Court. Costs shall be taxed against Appellant.

ATTEST:

s/ Patricia S. Dodszeuweit
Clerk

DATED: June 12, 2019


Certified as a true copy and issued in lieu
of a formal mandate on 07/05/19

Teste: Patricia S. Dodszeuweit
Clerk, U.S. Court of Appeals for the Third Circuit